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EXAMINER

PICH, PONNOREAY

ART UNIT	PAPER NUMBER
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2135

DATE MAILED: 02/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/993,781	<b>Applicant(s)</b> CANDELORE, BRANT	
	<b>Examiner</b> Ponnoreay Pich	<b>Art Unit</b> 2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 01 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-47 and 57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 and 57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/2005 and 12/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

Claims 1-47 and 57 are pending. Any objections or rejections not repeated below for record are withdrawn due to applicant's amendments and/or arguments. Any well known art statements not argued in the previous action by applicant are taken as admittance of prior art as per MPEP 2144.03.

#### ***Response to Arguments***

All of applicant's arguments are directed towards amended claims. Applicant amended all the independent claims to remove the limitation that the output "is valid for a limited period of time" and instead added the limitation that the output "comprises a plurality of authorization levels". The examiner respectfully submits that this limitation as is extremely broad and inherent to the prior art of record. As applicant notes, Johnson discloses encoding biometric information on an identification card. However, applicant argues that the output from the biometric encoding process does not comprise a plurality of authorization levels. The examiner respectfully disagrees. The card and the information encoded on the card inherently comprises a plurality of authorization level because in any system in which one can use the card, the identification card and the information encoded on it have an authorization level of authorized, while any system which does not use the card, the authorization level of the card and the information encoded on the card is zero or not authorized. As all the rejected claims in the prior office action used Johnson as a reference, the limitation as amended is inherent to all the current set of claims. In addition, the limitation as amended is so

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broad that other interpretation of the limitation applies. However, these interpretations are also disclosed by the prior art, see new rejections below.

### ***Claim Objections***

Claims 35 and 39 are objected to because of the following informalities: Claim 35 has "point of sale" annotated after the numbering of the claim. The examiner believes applicant meant to instead annotate the claim as "currently amended". As per claim 39, applicant has amended the claim, yet applicant annotated the claim as being presented in "original" condition. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-5, 7-9, 14, 16-18, 20-22, 27, 33-34, 37-38, 41-42, 44-45, and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Johnson (US 5,598,474).

#### **Claims 1 and 14:**

Johnson discloses:

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1. Obtaining data from a device for use as an input to a first cryptographic process (col 5, lines 12-22).
2. Creating an output of the first cryptographic process, wherein the output comprises a plurality of authorization levels (col 5, lines 12-22 and 52-54).
3. Writing the output from the first cryptographic process to a storage location after the device is received by a user (col 5, line 55).

Note that the data for use as an input cannot be obtained from the user until the device, which does the obtaining, is received by the user because the input data disclosed by Johnson is biometric data.

**Claims 3 and 16:**

Johnson further discloses wherein the data is obtained from the user (col 5, lines 12-22 and 51-59).

**Claims 4 and 17:**

Johnson further discloses wherein the data is entered with at least one of a biometric device, a keypad, and a microphone (col 5, lines 12-22 and 51-59).

**Claims 5 and 18:**

Johnson further discloses creating an output of a second cryptographic process, wherein the data is used as input the second cryptographic process (col 5, lines 51-59 and col 6, lines 34-49).

**Claims 7 and 20:**

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Johnson further discloses wherein the second cryptographic process is performed by at least one of a device, a point of sale terminal, a transaction privacy clearing house, a vendor, and a financial processing system (col 6, lines 34-56).

**Claims 8 and 21:**

Johnson further discloses comparing at least one of the output of the first cryptographic process and the input to the first cryptographic process with at least one of the output of the second cryptographic process and the input to the second cryptographic process (col 6, lines 34-56).

**Claims 9 and 22:**

Johnson further discloses allowing a transaction based on the comparing (col 6, lines 34-56).

**Claim 27:**

Johnson discloses:

1. Security logic used to perform a first cryptographic process wherein an input to the first cryptographic process results in an output of the first cryptographic process wherein the output comprises a plurality of authorization levels (col 5, lines 12-22 and 52-55).
2. A device communicatively coupled to the security logic and configured to write the output of the first cryptographic process to a storage location after the device is received by a user (col 5, lines 52-55).

Note that the device cannot write the output to a storage location until the device is received by the user because the input data disclosed by Johnson is biometric data.

**Claim 33:**

Johnson further discloses a user interface communicatively coupled with the security logic, wherein the input to the first cryptographic process comprises data entered from the user interface (col 5, lines 12-22 and 52-59).

**Claim 34:**

Claim 34 recites a limitation substantially similar to claim 4 and is rejected for the same reasons.

**Claim 37:**

Johnson discloses:

1. A transaction terminal configured to communicate with a device wherein an output of a first cryptographic process is read by the transaction terminal and the first cryptographic process and a second cryptographic process are used to validate a transaction, the output comprising a plurality of authorization levels (col 6, lines 34-57).

**Claims 38:**

Johnson further discloses wherein the second cryptographic process to be performed by at least one of a transaction terminal, a financial processing system, a transaction privacy clearing house, the device, and a vendor (col 6, lines 34-57).

**Claims 41:**

Johnson further discloses wherein a comparison of at least one of the output of the first cryptographic process and the input to the first cryptographic process with at least one of an output of the second cryptographic process and an input to the second cryptographic process allows a transaction if a result of the comparison is within a predetermined range (col 6, lines 34-57).

**Claims 42:**

Johnson further discloses wherein the comparison occurs at the transaction terminal (col 6, lines 34-57).

**Claims 44:**

Johnson further discloses comparing at least one of the output of the first cryptographic process and the input to the first cryptographic process with at least one of the output of the second cryptographic process and the input to the second cryptographic process (col 6, lines 34-57).

Johnson does not explicitly disclose wherein the comparison prevents a transaction. However, as Johnson discloses the comparison being done for a validation and security check (col 6, lines 34-57), it is inherent that if the comparison does not indicate a valid match that the transaction would be prevented.

**Claims 45:**

Johnson further discloses wherein the comparison occurs at the transaction terminal (col 6, lines 34-57).

**Claim 47:**



Johnson further discloses wherein the device comprises a personal transaction card (col 6, lines 32-37).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 6, 15, 19, 32, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,598,474) in view of Yamaguchi et al (US 6,314,196).

**Claims 2, 15, and 32:**

Johnson discloses a first cryptographic process (col 5, lines 51- 59). Johnson does not disclose wherein the first cryptographic process **is based on a time stamp**. However, Johnson's cryptographic process is based on fingerprint data (col 5, lines 51- 59). Further, Yamaguchi discloses that he has a time stamp associated with fingerprint data (col 30, line 66-col 31, line 4; col 31, lines 47-66; and Fig 21, item 82). In light of this, it would have been obvious to one of ordinary skill in the art to modify Johnson's invention according to the limitations recited in claims 2, 15, and 32 by gathering and using fingerprint data based on a time stamp. One of ordinary skill would have been motivated to incorporate Yamaguchi's teachings because Yamaguchi discloses the longer the lapse of time between registration of a fingerprint, the lower the matching rate

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(col 2, lines 4-7) and that his teachings would result in improved security in checking fingerprints (col 12, lines 20-22).

**Claims 6, 19, and 40:**

Johnson discloses a second cryptographic process (col 5, lines 51-59 and col 6, lines 34-49). Johnson does not disclose wherein the second cryptographic process is **based on a time stamp**. However, Johnson's cryptographic process is based on fingerprint data (col 5, lines 51-59). Further, Yamaguchi discloses that he has a time stamp associated with fingerprint data (col 30, line 66-col 31, line 4; col 31, lines 47-66; and Fig 21, item 82). In light of this, it would have been obvious to one of ordinary skill in the art to modify Johnson's invention according to the limitations recited in claims 6, 19, and 40 by gathering and using fingerprint data based on a time stamp. One of ordinary skill would have been motivated to incorporate Yamaguchi's teachings because Yamaguchi discloses the longer the lapse of time between registration of a fingerprint, the lower the matching rate (col 2, lines 4-7) and that his teachings would result in improved security in checking fingerprints (col 12, lines 20-22).

Claims 10, 23, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,598,474).

**Claims 10 and 23:**

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Johnson does not explicitly disclose preventing the transaction based on the comparing. However, this limitation was well known in the art. As Johnson discloses the comparison being done for a validation and security check (col 6, lines 34-56), it would have been obvious to one of ordinary skill to modify Johnson's invention such that if the comparison does not indicate a valid match that the transaction would be prevented. One of ordinary skill would have done so for security purposes.

**Claim 35:**

Johnson further discloses wherein the security logic comprises logic that confirms an identification, the identification selected from the group consisting of DNA identification and biometric data (col 5, lines 12-22 and col 6, lines 34-56). Johnson also discloses that personal identification number was often used for identification purposes in most of today's ID cards (col 1, lines 44-46).

Johnson does not disclose voice identification being one of the groups of selected identification. However, voice identification systems were well known at the time the applicant's invention was made. One of ordinary skill would be motivated to use it as it is a commonly used identification scheme.

Claims 11-12, 24-25, 36, 43, 46, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,598,474) in view of Gordon et al (US 6,289,323).

**Claims 11 and 24:**

Johnson does not explicitly disclose wherein the comparing occurs without providing an identity of the user. However, Gordon discloses a comparison occurring without providing an identity of the user (col 2, lines 16-24). In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Johnson invention according to the limitation recited in claims 11 and 24. One of ordinary skill would have been motivated to do so as Gordon discloses that his teachings can be used for conducting monetary transactions (col 2, lines 1-4). The examiner also notes that occasionally, a user might want to remain anonymous to some of the parties involved.

**Claims 12, 25, and 36:**

Johnson does not explicitly discloses wherein one of the plurality of authorization levels comprises a limit on transactions to be authorized, the limit being at least one of limiting an amount of money to be spent in a given time period, barring certain users from making certain types of transactions, and barring certain types of transactions. However, the examiner notes that this limitation is well known in the art at the time the applicant's invention was made, such as with credit card or gift certificate usage wherein the limitation is enforced as a way to make sure a user does not overspend or to control the spending habits of users. It would have been obvious to one of ordinary skill in the art to modify Johnson's invention according to the limitations recited in claims 12, 25, and 36 to control user spending.

Further, Gordon discloses wherein authorization levels comprises a limit on transactions to be authorized, the limit being at least one of limiting an amount of money

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to be spent in a given time period, barring certain users from making certain types of transactions, and barring certain types of transactions (col 1, lines 39-43 and col 3, lines 25-48). In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Johnson's invention according to the limitation recited in claims 12, 25, and 36. One of ordinary skill would have been motivated to incorporate Gordon's teachings for the same reasons given in claims 11 and 24.

**Claims 43 and 46:**

Johnson does not explicitly disclose wherein the comparison occurs without providing an identity of the user. However, Gordon discloses a comparison occurring without providing an identity of the user (col 2, lines 16-24). In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Johnson invention according to the limitation recited in claims 43 and 46. One of ordinary skill would have been motivated to do so as Gordon discloses that his teachings can be used for conducting monetary transactions (col 2, lines 1-4). The examiner also notes that occasionally, a user might want to remain anonymous to some of the parties involved.

**Claim 57:**

Claim 57 recites a limitation substantially similar to what is recited in claims 12 and 36 and is rejected for the same reasons.

Claims 13, 26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,598,474) in view of Weissman (US 6,353,811) and Waite et al (US 5,594,230).

**Claims 13 and 26:**

Johnson further discloses wherein the storage location is selected from the group consisting of a magnetic strip and a personal transaction card (col 5, line 55). Johnson does not explicitly disclose the group also consisting of a magnetic strip emulator and a bar code emulator. However, a magnetic strip emulator and a bar code emulator are well known and commonly used types of storage mediums for identification data.

Further, Weisman discloses a magnetic strip emulator being used to store data (col 3, lines 62-67). Waite discloses a bar code emulator being used to store data (col 4, lines 29-33). In light of this, it would have been obvious to one of ordinary skill in the art to have included a magnetic strip emulator and bar code emulator as one of the choices for the storage location. One of ordinary skill would have been motivated to do so as a magnetic strip emulator and bar code emulator were common form of storage locations. Further, Weisman discloses that a magnetic strip emulator can use used in an electronic wallet (col 3, lines 62-67) and Waite discloses that use of a bar code emulator can allow extensive set of test operations of a bar code reader (col 4, lines 23-28).

**Claims 28-31:**

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Claims 28-31 discloses limitations substantially similar to the ones rejected in claims 13 and 26. As such they are rejected for the same reasons given in claims 13 and 26.

Claims 39 is rejected under rejected under 35 U.S.C. 103(a) as being unpatentable over by Johnson (US 5,598,474) in view of Reeder (US 6,014,636).

**Claims 39:**

Johnson discloses wherein the transaction terminal is a point of sale (POS) terminal (col 6, lines 34-57). Johnson does not explicitly disclose wherein the transaction terminal is selected from the group consisting of a home computer system, a bank automatic teller machine (ATM) terminal, digital television, internet appliance, and personal POS terminal.

However, Reeder discloses a transaction terminal can be a home computer system, a bank automatic teller machine terminal, digital television, internet appliance, and personal point of sale terminal (col 1, lines 5-32 and col 3, lines 5-9). In light of this it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Johnson's invention according to the limitations recited in claim 39. One of ordinary skill would have been motivated to do so as Reeder discloses that his teachings would allow a customer to not be present at the merchant's location and can instead select merchandise and effectuate payment at home (col 2, lines 31-35).

Claim 1, 3-5, 7-10, 14, 16-18, 20-23, 27, 33-35, 37-38, 41-42, 44-45, and 47 are rejected under rejected under 35 U.S.C. 103(a) as being unpatentable over by Johnson (US 5,598,474) in view of McNeeley et al (US 4,443,027).

**Claims 1, 14, 27, and 37:**

As per claims 1, 14, 27, and 37, the limitations recited therein are rejected under 35 102(b) as being unpatentable over Johnson, see above. The claims are also rejected under 35 USC 103(a) because the limitation "wherein the output comprises a plurality of authorization levels" is extremely broad and more than one interpretation can be applied to the limitation. A second interpretation of the limitation is implicitly disclosed by McNeeley (col 2, lines 18-24 and 60-65). The examiner has also interpreted this limitation as also indicating a plurality of trust/authorization level beyond just trusted and not trusted or usable and not usable. In applying the identification card of Johnson to a monetary or credit system, for example, authorization level also reads on the credit level extended to the holder of the card as identified by the information contained in the card. In the case of McNeeley's teachings, a plurality of authorization levels are implicitly disclosed by the multiple credit sources that can be accessed by the use of one card.. As is well known and obvious to anyone who has multiple credit cards from different credit sources, each credit source extends to a user a credit or authorization level that is not necessarily the same as any other source and this multiple



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credit level being accessible from one card reads on the limitation recited in claims 1, 14, 27, and 37.

One of ordinary skill would have been motivated to use Johnson's biometric identification card technology in McNeely's multiple company credit card system because biometric authentication offers a high level of security.

**Claims 3 and 16:**

Johnson further discloses wherein the data is obtained from the user (col 5, lines 12-22 and 51-59).

**Claims 4 and 17:**

Johnson further discloses wherein the data is entered with at least one of a biometric device, a keypad, and a microphone (col 5, lines 12-22 and 51-59).

**Claims 5 and 18:**

Johnson further discloses creating an output of a second cryptographic process, wherein the data is used as input the second cryptographic process (col 5, lines 51-59 and col 6, lines 34-49).

**Claims 7 and 20:**

Johnson further discloses wherein the second cryptographic process is performed by at least one of a device, a point of sale terminal, a transaction privacy clearing house, a vendor, and a financial processing system (col 6, lines 34-56).

**Claims 8 and 21:**

Johnson further discloses comparing at least one of the output of the first cryptographic process and the input to the first cryptographic process with at least one

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of the output of the second cryptographic process and the input to the second cryptographic process (col 6, lines 34-56).

**Claims 9 and 22:**

Johnson further discloses allowing a transaction based on the comparing (col 6, lines 34-56).

**Claims 10 and 23:**

Johnson does not explicitly disclose preventing the transaction based on the comparing. However, this limitation was well known in the art. As Johnson discloses the comparison being done for a validation and security check (col 6, lines 34-56), it would have been obvious to one of ordinary skill to modify Johnson's invention such that if the comparison does not indicate a valid match that the transaction would be prevented. One of ordinary skill would have done so for security purposes.

**Claim 33:**

Johnson further discloses a user interface communicatively coupled with the security logic, wherein the input to the first cryptographic process comprises data entered from the user interface (col 5, lines 12-22 and 52-59).

**Claim 34:**

Claim 34 recites a limitation substantially similar to claim 4 and is rejected for the same reasons.

**Claim 35:**

Johnson further discloses wherein the security logic comprises logic that confirms an identification, the identification selected from the group consisting of DNA

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identification and biometric data (col 5, lines 12-22 and col 6, lines 34-56). Johnson also discloses that personal identification number was often used for identification purposes in most of today's ID cards (col 1, lines 44-46).

Johnson does not disclose voice identification being one of the groups of selected identification. However, voice identification systems were well known at the time the applicant's invention was made. One of ordinary skill would be motivated to use it as it is a commonly used identification scheme.

**Claims 38:**

Johnson further discloses wherein the second cryptographic process to be performed by at least one of a transaction terminal, a financial processing system, a transaction privacy clearing house, the device, and a vendor (col 6, lines 34-57).

**Claims 41:**

Johnson further discloses wherein a comparison of at least one of the output of the first cryptographic process and the input to the first cryptographic process with at least one of an output of the second cryptographic process and an input to the second cryptographic process allows a transaction if a result of the comparison is within a predetermined range (col 6, lines 34-57).

**Claims 42:**

Johnson further discloses wherein the comparison occurs at the transaction terminal (col 6, lines 34-57).

**Claims 44:**

Johnson further discloses comparing at least one of the output of the first cryptographic process and the input to the first cryptographic process with at least one of the output of the second cryptographic process and the input to the second cryptographic process (col 6, lines 34-57).

Johnson does not explicitly disclose wherein the comparison prevents a transaction. However, as Johnson discloses the comparison being done for a validation and security check (col 6, lines 34-57), it is inherent that if the comparison does not indicate a valid match that the transaction would be prevented.

**Claims 45:**

Johnson further discloses wherein the comparison occurs at the transaction terminal (col 6, lines 34-57).

**Claim 47:**

Johnson further discloses wherein the device comprises a personal transaction card (col 6, lines 32-37).

Claims 2, 6, 15, 19, 32, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,598,474) in view of McNeeley et al (US 4,443,027) and further in view of Yamaguchi et al (US 6,314,196).

**Claims 2, 15, and 32:**

Johnson discloses a first cryptographic process (col 5, lines 51- 59). Johnson does not disclose wherein the first cryptographic process **is based on a time stamp**.

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However, Johnson's cryptographic process is based on fingerprint data (col 5, lines 51-59). Further, Yamaguchi discloses that he has a time stamp associated with fingerprint data (col 30, line 66-col 31, line 4; col 31, lines 47-66; and Fig 21, item 82). In light of this, it would have been obvious to one of ordinary skill in the art to further modify Johnson's invention according to the limitations recited in claims 2, 15, and 32 by gathering and using fingerprint data based on a time stamp. One of ordinary skill would have been motivated to incorporate Yamaguchi's teachings because Yamaguchi discloses the longer the lapse of time between registration of a fingerprint, the lower the matching rate (col 2, lines 4-7) and that his teachings would result in improved security in checking fingerprints (col 12, lines 20-22).

**Claims 6, 19, and 40:**

Johnson discloses a second cryptographic process (col 5, lines 51-59 and col 6, lines 34-49). Johnson does not disclose wherein the second cryptographic process is **based on a time stamp**. However, Johnson's cryptographic process is based on fingerprint data (col 5, lines 51-59). Further, Yamaguchi discloses that he has a time stamp associated with fingerprint data (col 30, line 66-col 31, line 4; col 31, lines 47-66; and Fig 21, item 82). In light of this, it would have been obvious to one of ordinary skill in the art to further modify Johnson's invention according to the limitations recited in claims 6, 19, and 40 by gathering and using fingerprint data based on a time stamp. One of ordinary skill would have been motivated to incorporate Yamaguchi's teachings because Yamaguchi discloses the longer the lapse of time between registration of a

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fingerprint, the lower the matching rate (col 2, lines 4-7) and that his teachings would result in improved security in checking fingerprints (col 12, lines 20-22).

Claims 11-12, 24-25, 36, 43, 46, and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,598,474) in view of McNeeley et al (US 4,443,027) and further in view of Gordon et al (US 6,289,323).

**Claims 11 and 24:**

Johnson does not explicitly disclose wherein the comparing occurs without providing an identity of the user. However, Gordon discloses a comparison occurring without providing an identity of the user (col 2, lines 16-24). In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have further modified Johnson invention according to the limitation recited in claims 11 and 24. One of ordinary skill would have been motivated to do so as Gordon discloses that his teachings can be used for conducting monetary transactions (col 2, lines 1-4). The examiner also notes that occasionally, a user might want to remain anonymous to some of the parties involved.

**Claims 12, 25, and 36:**

Johnson does not explicitly disclose wherein one of the plurality of authorization levels comprises a limit on transactions to be authorized, the limit being at least one of limiting an amount of money to be spent in a given time period, barring certain users from making certain types of transactions, and barring certain types of transactions.

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However, the examiner notes that this limitation is well known in the art at the time the applicant's invention was made, such as with credit card or gift certificate usage wherein the limitation is enforced as a way to make sure a user does not overspend or to control the spending habits of users. It would have been obvious to one of ordinary skill in the art to modify Johnson's invention according to the limitations recited in claims 12, 25, and 36 to control user spending.

Further, Gordon discloses wherein authorization levels comprises a limit on transactions to be authorized, the limit being at least one of limiting an amount of money to be spent in a given time period, barring certain users from making certain types of transactions, and barring certain types of transactions (col 1, lines 39-43 and col 3, lines 25-48). In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have further modified Johnson's invention according to the limitation recited in claims 12, 25, and 36. One of ordinary skill would have been motivated to incorporate Gordon's teachings for the same reasons given in claims 11 and 24.

**Claims 43 and 46:**

Johnson does not explicitly disclose wherein the comparison occurs without providing an identity of the user. However, Gordon discloses a comparison occurring without providing an identity of the user (col 2, lines 16-24). In light of this, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have further modified Johnson invention according to the limitation recited in claims 43 and 46. One of ordinary skill would have been motivated to do so as Gordon

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discloses that his teachings can be used for conducting monetary transactions (col 2, lines 1-4). The examiner also notes that occasionally, a user might want to remain anonymous to some of the parties involved.

**Claim 57:**

Claim 57 recites a limitation substantially similar to what is recited in claims 12 and 36 and is rejected for the same reasons.

Claims 13, 26, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson (US 5,598,474) in view of McNeeley et al (US 4,443,027) and further in view of Weissman (US 6,353,811) and Waite et al (US 5,594,230).

**Claims 13 and 26:**

Johnson further discloses wherein the storage location is selected from the group consisting of a magnetic strip and a personal transaction card (col 5, line 55). Johnson does not explicitly disclose the group also consisting of a magnetic strip emulator and a bar code emulator. However, a magnetic strip emulator and a bar code emulator are well known and commonly used types of storage mediums for identification data.

Further, Weisman discloses a magnetic strip emulator being used to store data (col 3, lines 62-67). Waite discloses a bar code emulator being used to store data (col 4, lines 29-33). In light of this, it would have been obvious to one of ordinary skill in the art to have included a magnetic strip emulator and bar code emulator as one of the



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choices for the storage location. One of ordinary skill would have been motivated to do so as a magnetic strip emulator and bar code emulator were common form of storage locations. Further, Weisman discloses that a magnetic strip emulator can use used in an electronic wallet (col 3, lines 62-67) and Waite discloses that use of a bar code emulator can allow extensive set of test operations of a bar code reader (col 4, lines 23-28).

**Claims 28-31:**

Claims 28-31 discloses limitations substantially similar to the ones rejected in claims 13 and 26. As such they are rejected for the same reasons given in claims 13 and 26.

Claims 39 is rejected under rejected under 35 U.S.C. 103(a) as being unpatentable over by Johnson (US 5,598,474) in view of McNeeley et al (US 4,443,027) and further in view of Reeder (US 6,014,636).

**Claims 39:**

Johnson discloses wherein the transaction terminal is a point of sale (POS) terminal (col 6, lines 34-57). Johnson does not explicitly disclose wherein the transaction terminal is selected from the group consisting of a home computer system, a bank automatic teller machine (ATM) terminal, digital television, internet appliance, and personal POS terminal.

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However, Reeder discloses a transaction terminal can be a home computer system, a bank automatic teller machine terminal, digital television, internet appliance, and personal point of sale terminal (col 1, lines 5-32 and col 3, lines 5-9). In light of this it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified Johnson's invention according to the limitations recited in claim 39. One of ordinary skill would have been motivated to do so as Reeder discloses that his teachings would allow a customer to not be present at the merchant's location and can instead select merchandise and effectuate payment at home (col 2, lines 31-35).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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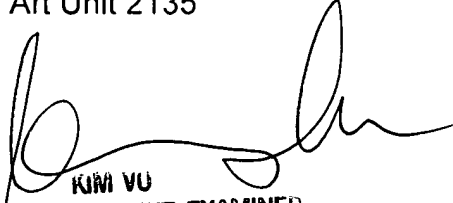
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ponnoreay Pich whose telephone number is 571-272-7962. The examiner can normally be reached on 9:00am-4:30pm Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on 571-272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PP

Ponnoreay Pich  
Examiner  
Art Unit 2135



KIM VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100